

## Instream Flow Water Rights in Dominguez-Escalante National Conservation Area

Colorado Water Conservation Board can appropriate water rights to “protect the natural environment to a reasonable degree.” Accordingly, flow rates needed to protect the natural environment can be based on studies to identify flow rates needed for fish species, plant species, riparian communities, and aquatic insect communities. CWCB instream flow water rights may provide indirect support for other values, such as scenic or recreation, but the water right cannot be based on protection of those values.

<b>Stream Name &amp; ORVs</b>	<b>Upper Terminus</b>	<b>Lower Terminus</b>	<b>Flow Rates</b>	<b>Priority Date</b>	<b>Comments</b>
Gunnison River <i>Recreation</i> <i>Fish</i> <i>Cultural</i> <i>Vegetation</i> <i>Historic</i>	None				
Big Dominguez Creek <i>Scenic</i> <i>Recreation</i> <i>Wildlife</i> <i>Geological</i> <i>Cultural</i>	Wilderness Boundary	Wilderness Boundary	Entire flow of creek minus future development allowance	2010	Covers all eligible segments
Little Dominguez Creek <i>Scenic</i> <i>Geological</i> <i>Wildlife</i> <i>Cultural</i>	Wilderness Boundary	Wilderness Boundary	Entire flow of creek minus future development allowance	2010	Covers all eligible segments
Rose Creek <i>Scenic</i>	Entire flow is claimed by Little Dominguez Creek instream flow water right				Covers all eligible segments
Escalante Creek <i>Scenic</i> <i>Recreation</i> <i>Geological</i> <i>Wildlife</i> <i>Vegetation</i>	Confluence with North Fork Escalante Creek	Headgate of Captain H.A. Smith Ditch	4.0 cfs (3/1 to 3/31) 8.2 cfs (4/1 to 6/14) 4.0 cfs (6/15 to 7/31) 1.5 cfs (8/1 to 2/28)	2005	Covers Segment 1, but not Segment 2
Cottonwood Creek <i>Vegetation</i>	Headgate of Hawkins Ditch	Confluence with Roubideau Creek	3.6 cfs (4/1 to 6/15)	2006	Covers entire eligible segment

## **Legislative Language Guiding Protection of Stream-Related Values**

(b) **PURPOSES.**—The purposes of the Conservation Area are to conserve and protect for the benefit and enjoyment of present and future generations—

(1) the unique and important resources and values of the land, including the geological, cultural, archaeological, paleontological, natural, scientific, recreational, wilderness, wildlife, riparian, historical, educational, and scenic resources of the public land; and

(2) the water resources of area streams, based on seasonally available flows, that are necessary to support aquatic, riparian, and terrestrial species and communities.

(c) **MANAGEMENT.**—

(1) **IN GENERAL.**—The Secretary shall manage the Conservation Area—

(A) as a component of the National Landscape Conservation System;

(B) in a manner that conserves, protects, and enhances the resources and values of the Conservation Area described in subsection (b); and